

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:17-cr-00044-MR-DLH-1**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOSHUA DALE FULLER,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Seal Sentencing Memorandum and Motion for Downward Variance [Doc. 82].

The Defendant, through counsel, moves the Court for leave to file a Sentencing Memorandum and Motion for Downward Variance under seal in this case. For grounds, counsel states that the memorandum and motion, as well as attachments thereto, include detailed sensitive and private personal medical information, as well as psychiatric evaluations. [Doc. 82].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting

its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4<sup>th</sup> Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant’s motion. The Defendant filed his motion on April 12, 2018, and it has been accessible to the public through the Court’s electronic case filing system since that time. Further, the Defendant has demonstrated that the Sentencing Memorandum and Motion for Downward Variance, as well as attachments thereto, contain sensitive information concerning the Defendant and that the public’s right of access to such information is substantially outweighed by the Defendant’s competing interest in protecting the details of such information. Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Sentencing Memorandum and Motion for Downward Variance, as well as attachments thereto, is necessary to protect the Defendant’s privacy interests.

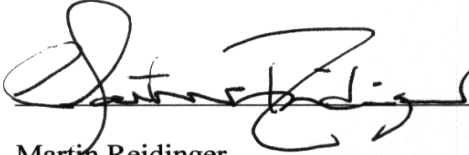
Accordingly, the Defendant’s Motion to Seal is granted, and counsel shall be permitted to file a sentencing memorandum and motion for downward variance, as well as attachments thereto, under seal.

**IT IS, THEREFORE, ORDERED** that the Defendant’s Motion to Seal Sentencing Memorandum and Motion for Downward Variance [Doc. 82] is

**GRANTED**, and the Defendant's Sentencing Memorandum and Motion for Downward Variance, as well as attachments thereto, [Doc. 81] shall be filed under seal and shall remain under seal until further Order of the Court.

**IT IS SO ORDERED.**

Signed: April 16, 2018

  
Martin Reidinger  
United States District Judge

